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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

LEYLAND CRAIG SINCLAIR,

Defendant and Appellant.

2d Crim. No. B206991
(Super. Ct. No. 1224638)
(Santa Barbara County)

After the trial court denied his motion to suppress evidence (Pen. Code, § 1538.5), appellant Leyland Craig Sinclair pleaded no contest to one count of sale of methamphetamine, a controlled substance, in violation of Health and Safety Code section 11379, subdivision (a). The trial court suspended pronouncement of judgment and placed appellant on supervised probation for three years on the condition, among others, that he participate in a drug treatment program. Appellant contends the trial court erred when it denied the motion to suppress because the warrantless search of his car was not a valid inventory search or search incident to arrest. We affirm.

Facts

On the night of November 15, 2006, appellant drove his Toyota Celica on Highway 154 near Lake Cachuma in Santa Barbara County. Santa Barbara County Deputy Sheriff Tyler Yeates was parked along the highway in his patrol car. Deputy Yeates noticed that the Celica did not have a rear license plate, in violation of the Vehicle Code. He

followed the Celica for several miles, until they approached an intersection where the roadway was wider and there were large overhead lights. Deputy Yeates activated his lights and siren to conduct a traffic stop. The Celica did not stop immediately. Instead, it drove on for about one-half mile and stopped in an area where there was no lighting.

Appellant presented the deputy with his drivers' license. Deputy Yeates performed a DMV check and learned that it had been suspended but that appellant had not yet been served with notice of the suspension. Appellant also had two outstanding, "nonbookable" warrants. Deputy Yeates told appellant that he needed to serve appellant with written notice that his drivers' license was suspended. He asked appellant to step outside of the car. Appellant complied and Yeates served him with the written notice of his license suspension. Once appellant was served with the notice of suspension, it was a violation of the Vehicle Code for him to drive the car. (Veh. Code, § 14601.2, subd. (a).)

Deputy Yeates told appellant that he would be cited for driving without a valid license and that the Celica would be towed because it was not safe to leave it parked in its present location. There was no lighting in that area, it was very dark and the car did not have a rear license plate which would otherwise act as a reflector at night. Deputy Yates also explained that he would conduct an inventory search of the car, to check for damage to it and for items that could be damaged, lost, or stolen. It is the policy of the Santa Barbara County Sheriff's Department that inventory searches include a search of the trunk and any closed or locked containers.

Appellant objected and said he would call someone to move the car for him. Deputy Yeates declined the offer. Instead, he searched the car interior and found a hard pack of cigarettes lying on the floor in front of the passenger seat. He could see plastic baggies sticking out of the top of the pack. After opening the pack, the deputy found a quantity of methamphetamine. Deputy Yeates told appellant he was under arrest for possession of methamphetamine. He returned to the vehicle and completed the inventory search. Yeates found another cigarette pack in the trunk. He opened the second pack because he found methamphetamine in the first. The second pack contained four grams of methamphetamine, also in a plastic bag.

Discussion

On review, we defer to the trial court's factual findings where supported by substantial evidence. We independently determine whether, on those facts, the search of appellant's car complied with Fourth Amendment standards. (*People v. Saunders* (2006) 38 Cal.4th 1129, 1133-1134.)

Appellant contends the inventory search was unreasonable because it was not necessary to tow his car. He further contends the search exceeded the scope of a reasonable inventory search and that the search of the trunk was not a valid search incident to his arrest. We are not persuaded.

First, Deputy Yeates was within his authority to have appellant's car towed. Vehicle Code section 22651, subdivision (b) permits towing where a vehicle is parked on a highway in a way that "create[s] a hazard to other traffic upon the highway." Yeates testified that he believed it was not safe to leave the car where it was parked because it was very dark, there was no street lighting and the vehicle did not have a rear license plate, "which is a giant reflector at night." Because he believed the car was in an unsafe place, Yeates properly had it towed. (*People v. Green* (1996) 46 Cal.App.4th 367, 372-373.) He was not required to let appellant make his own arrangements for the car's removal. "[A] police officer is not required to adopt the least intrusive course of action in deciding whether to impound and search a car" (*People v. Williams* (2006) 145 Cal.App.4th 756, 761.)

Having decided to tow the vehicle, Yeates properly conducted an inventory search of its contents. When conducted pursuant to a standardized procedure, inventory searches "are now a well-recognized exception to the warrant requirement of the Fourth Amendment[,]" and may extend to closed containers found within the vehicle, such as a glove compartment or bag. (*Colorado v. Bertine* (1987) 479 U.S. 367, 371-372 [93 L.Ed.2d 739].) Yeates confirmed that it is the policy of the Santa Barbara County Sheriff's Department to conduct an inventory of a vehicle that is to be towed. The policy permits deputies to search the trunk and any closed or locked containers found in the car.

At the beginning of the search, Yeates saw the cigarette pack on the floor of the car and noted that it had "plastic baggies sticking out of the top of it." He opened the

pack because he thought it "looked odd" and because he knew from experience that "illegal contraband oftentimes can be hidden in cigarettes." When Yeates opened the lid, he could see that the pack contained methamphetamine.

The trial court properly determined that Yeates' inventory search complied with the Sheriff's Department's policy and was therefore reasonable. (*People v. Williams* (1999) 20 Cal.4th 119, 126; *People v. Needham* (2000) 79 Cal.App.4th 260, 266.) Having discovered contraband, Yeates was, of course, authorized to seize it. (*People v. Green, supra*, 46 Cal.App.4th at p. 374.)

Finally, Yeates' search of the trunk was also reasonable and consistent with Fourth Amendment standards. The trunk, and containers found inside the trunk, were subject to search under the same inventory search policy that authorized the search of the passenger compartment. (*Florida v. Wells* (1990) 495 U.S. 1, 4 [109 L.Ed.2d 1].) In addition, Yeates' discovery of methamphetamine in the passenger compartment gave him probable cause to search the trunk, and containers inside the trunk, for illegal drugs. As a consequence, the trunk was subject to search under the automobile exception to the warrant requirement. (*Maryland v. Dyson* (1999) 527 U.S. 465, 466 [144 L.Ed.2d 442]; *United States v. Ross* (1982) 456 U.S. 798, 825 [72 L.Ed.2d 572].)

The judgment (order denying motion to suppress evidence) is affirmed.

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YEGAN, J.

We concur:

GILBERT, P.J.

COFFEE, J.

James Rigali, Judge
Superior Court County of Santa Barbara

Laurie A. Thrower, under appointment by the Court of Appeal, for Defendant and Appellant.

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